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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION INTELLECTUAL PROPERTY & STANDARDS 1109 MCKAY DRIVE, M/S-41SJ SAN JOSE, CA 95131			PHILPOTT, JUSTIN M	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/826,700

Applicant(s)

FUHRMANN ET AL.

Examiner

Justin M. Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed July 8, 2005 have been fully considered but they are not persuasive.

2. Specifically, applicant argues (pages 6-7) that the flag bits taught by Chari are different from the pilot signal described in applicant's specification on page 2, lines 17-21 and page 9, line 8, and thus, Chari cannot teach all of the limitations of applicant's claim 1. However, applicant's argument is not persuasive. Particularly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., limitations with respect to a pilot signal recited in applicant's specification on page 2, lines 17-21 and page 9, line 8) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, applicant's argument that a "skilled artisan would recognize that a pilot signal is a signal of varying frequency that established a baseline of communications" (applicant's remarks, page 7) is not persuasive. That is, one of ordinary skill in the art would understand a pilot to generally be "a signal transmitted either inbound or outbound through [a] system in order to provide a reference..." as defined by IEEE ("IEEE 100: The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition", IEEE 2000), which is anticipated by the flag bit signaling of Chari. If applicant believes applicant's invention differs from the teachings of Chari, in particular with

respect to applicant's pilot signal as described in applicant's specification, applicant is invited to amend the claims to reflect a difference between applicant's claims and the teachings of Chari.

### *Claim Objections*

3. Claims 4 and 9 are objected to because of the following informalities:

"the active state" (claim 4, line 7) should be changed to either "the activated state" or "an active state" to maintain proper antecedent basis; and "nodes, in the event" (claim 9, lines 6-7) should be changed to "nodes, and in the event".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,428,046 to Chari et al.

Regarding claim 1, Chari teaches a network (e.g., system 10, see FIG. 1) comprising a plurality of network nodes (e.g., subsystems 12 No.0-N), characterized in that at least part of the network nodes (e.g., subsystems 12 No.0-N) are directly coupled to each other via at least one star node (e.g., star coupler 14, see FIG. 1), in that the star node (e.g., star coupler 14) includes a plurality of star interfaces (e.g., interfaces 26, see FIG. 3) which are assigned to at least one

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network node (e.g., subsystem 12 No.0-N, see col. 4, lines 49-57), in that one star interface (e.g., interface 26) transfers data from the assigned network node (e.g., subsystem 12) to the other star interfaces (e.g., interfaces 26) or from another star interface (e.g., interface 26) to at least one of the assigned network nodes (e.g., subsystem 12) (e.g., see col. 4, line 53 – col. 5, line 11) each time in dependence on a pilot signal (e.g., flag bits), and in that also in the event of simultaneous arrival of at least two pilot signals at the respective star interfaces, a decision circuit (e.g., within contention circuitry 42) releases one star interface for the transmission of data (e.g., see col. 5, lines 3-19).

Regarding claim 2, Chari teaches in that to each network node (e.g., subsystems 12 No.0-N) in the network (e.g., system 10) a certain periodically repetitive time slot is assigned for the transmission of data (e.g., transmission is in accordance with periodically repetitive clock cycles, see col. 4, lines 22-37; see also clock signaling in col. 10, lines 25-53), and in that a network node (e.g., subsystem 12 No.0-N) includes a pilot signal generator (e.g., inherently comprised within subsystems 12, see col. 4, lines 32-37 regarding the generating of flag bits) which generates either a pilot signal (e.g., flag bits) that indicates the whole assigned time slot, or the beginning and end of the time slot (e.g., see col. 3, line 68 – col. 4, line 21 regarding beginning and ending flag bits which establish the beginning and ending of each message).

Regarding claim 3, Chari teaches a pilot signal evaluation circuit (e.g., within contention circuitry 42) is provided for generating a send control signal (e.g., SELECT signal), in that the pilot signal evaluation circuit (e.g., within contention circuitry 42) is provided for activating the send control signal (e.g., SELECT signal) if a pilot signal (e.g., flag bit) has been sent by the assigned network node (e.g., subsystem 12) and no other star interface (e.g., interface 26) having

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a higher priority has simultaneously sent a pilot signal (e.g., flag bit) from the network node (e.g., subsystem 12) assigned to this other star interface (e.g., interface 26) (e.g., see col. 5, lines 3-53 regarding contention circuitry 42 providing respective SELECT0-SELECTN signals in accordance with priority), and in that a star interface (e.g., star coupler 14) is provided for transferring data from the assigned network node (e.g., subsystem 12) to the other star interfaces (e.g., interface 26) only when the send control signal (e.g., SELECT) is activated (e.g., see col. 5, lines 3-53).

Regarding claim 4, Chari teaches in that each star interface (e.g., interface 26) includes a first and second switching element (e.g., first and second of a plurality of tri-state devices 36, see FIG. 3), in that the first switching element (e.g., tri-state device 36 receiving SELECT0 signal) in the activated state passes data from the assigned network node (e.g., subsystem 12) to the other star interfaces (e.g., interfaces 26) and the second switching element (e.g., tri-state device 36 receiving SELECTN signal) in the activated state passes data from the other star interfaces to the assigned network node (e.g., subsystem 12), and in that the first switching element e.g., tri-state device 36 receiving SELECT0 signal) in the event of an active send control signal (e.g., upon receiving SELECT0 signal) is in the active state and the second switching element in the non-active state (e.g., see col. 5, lines 20-53; and col. 9, lines 50-68).

Regarding claim 9, Chari teaches a star node (e.g., star coupler 14) for coupling a plurality of network nodes (e.g., subsystems 12 No.0-N), characterized in that a star node includes a plurality of star interfaces (e.g., interfaces 26) which are assigned to at least one network node (e.g., subsystem 12 No.0-N, see col. 4, lines 49-57) and which, in dependence on a pilot signal (e.g., flag bits), transfer a message from the assigned network node (e.g., one of

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subsystems 12 No.0-N) to the other star interfaces, or from another star interface to at least one of the assigned network nodes (e.g., one of subsystems 12 No.0-N) (e.g., see col. 4, line 53 – col. 5, line 11), and in that also in the event of simultaneous arrival of at least two pilot signals (e.g., flag bits), a decision circuit (e.g., within contention circuitry 42) releases one star interface for the transmission of data (e.g., see col. 5, lines 3-19).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chari.

Regarding claim 5, Chari teaches the network discussed above regarding claim 4, however, may not specifically disclose the switching elements are switchable amplifiers. However, Regarding claims 5 and 6, these claims were rejected in the previous office action by the Examiner taking official notice that the limitations recited in these claims are well known in the art. In Applicant's response to the previous office action, Applicant has not traversed the Examiner's assertion of official notice or Applicant's traverse is not adequate. Therefore, in accordance with MPEP 2144.03(C), the limitations recited in these claims comprise well-known art and are hereafter taken to be admitted prior art. That is, it is well known in the art for switching elements to comprise switchable amplifiers. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to utilize switchable amplifiers for the

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switching elements of Chari since it is well known in the art for switching elements to comprise switchable amplifiers.

Regarding claim 6, Chari teaches a decision circuit (e.g., within contention circuitry 42) evaluates the send control signals (e.g., SELECT0-N signals) of all the star interfaces (e.g., interfaces 26), and in that with a simultaneous occurrence of various send control signals (e.g., SELECT0-N signals), the decision releases via a decision control signal (e.g., COUPLER SELECT signal) a certain star interface for the transmission of data (e.g., see col. 5, lines 3-53 and col. 9, line 17 – col. 12, line 18).

#### *Allowable Subject Matter*

8. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: claim 7 recites a network including all of the limitations recited in claims 1-6, with the additional limitations of a decision circuit including a chain of in-line decision elements each having an OR gate, wherein each gate combines the output signal of the previous decision element with a local send request signal generated by the pilot signal evaluation circuit and indicating the presence of the pilot signal, and wherein the output signal of an OR gate is the decision control signal for the star interface assigned to the next decision element in the chain. A network comprising each of these limitations was not found in a search of related prior art.



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Claim 8 is dependant upon claim 7 and therefore comprises allowable subject matter for the same reasons discussed above regarding claim 7.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Justin M Philpott

  
**ALPUS H. HSU**  
**PRIMARY EXAMINER**